

FORM PTO-1083
Mail Stop APPEAL BRIEF – PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450



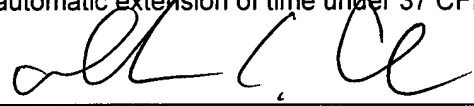
72 Af
Docket No.: 6001.1260
Date: March 26, 2007

In re application of: **Clemens Johannes De Vroome**
Serial No.: 10/764,774
Filed: January 26, 2004
For: **DEVICE FOR APPLYING A LIQUID MIXTURE TO WEB-SHAPED PRINTING MATERIAL**

Sir:

Transmitted herewith is an **Appellant's Reply Brief Under 37 C.F.R. 41.41 (4 pgs)** in the above-identified application.

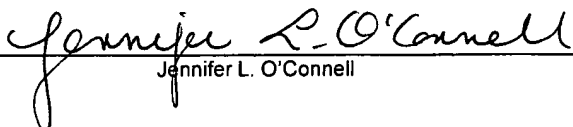
- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
 - ☒ Other: **Return Receipt Postcard**
- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition fee for extension under 37 C.F.R. 1.136
 - ☐ Other:
 - ☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


William C. Gehris, Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 26, 2007.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 
Jennifer L. O'Connell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**



Re: Application of: Clemens Johannes DE VROOME
Serial No.: 10/764,774
Filed: January 26, 2004
Title: DEVICE FOR APPLYING A LIQUID MIXTURE TO
WEB-SHAPED PRINTING MATERIAL
Art Unit: 1734
Examiner: Brenda A. Lamb
Attorney Docket No.: 6001.1260

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 26, 2007

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellant submits this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated January 25, 2007 and in support of their appeal of the Final Rejection dated May 1, 2006. No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §103(a)

Claims 1 to 3, 7, 8, and 15

Further to the arguments already presented, the proposed motivation in the Examiner's Answer is "to provide a smaller content of liquid coating material during a process change." Why the liquid metal casting of Menet device requires such a smaller content during a process change is not addressed, and Menet does not appear to need or require such process changes. With Werner, which teaches about printing textiles and discusses how to dose dyes, process changes occur when needing different colors for example. However, these teachings about dyes and textiles, are not applicable to the device for release agents and liquid metal casting as used in Menet where typically no process changes are needed. Moreover, this process change is related solely to dilutions of the printing paste. See last paragraph of translation of Werner prior to the claims. It is respectfully submitted that one of skill in the art would not have used the dyes or the dye related dilution teachings in Werner to dilute the release agents in Menet, which require no dilution.

Claim 2: Argued Separately

Further to the arguments already presented, Applicant can find no proposed motivation or teaching for altering Menet to arrive at the limitations of claim 2. "Since Werner teaches doing so to control fluid flow within the coating system" is no motivation to alter Menet. It is only a teaching as to the Werner device.

Withdrawal of the rejection to claim 2 is respectfully requested for this reason as well.

Claim 3: Argued Separately

Further to the arguments already presented, Applicant can find no proposed motivation or teaching for arriving at the limitations of claim 3. "Since Werner teaches doing so to control

fluid flow within the coating system” is no motivation to alter Menet.

Withdrawal of the rejection to claim 3 is respectfully requested for this reason as well.

Claim 7: Argued Separately

In addition to the arguments already presented, it is respectfully submitted that Menet does not need or desire a smaller buffer tank, and Werner is solely for printing paste dilution, a teaching not applicable to Werner.

Withdrawal of the rejection to claim 7 is respectfully requested for this reason as well.

Claim 8: Argued Separately

In addition to the arguments already presented, it is respectfully noted that for the Menet device, the claimed volume limits would not have been obvious as the claimed tanks are not even needed or desired for the Menet device.

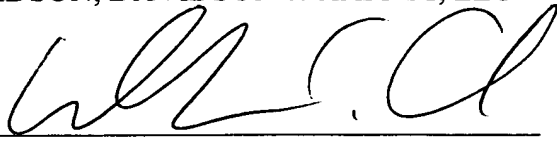
Withdrawal of the rejection to claim 8 is respectfully requested for this reason as well.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

William C. Gehris
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427